AGENDA

COMMITTEE ON HUMAN RESOURCES/INSURANCE

May 4, 2010 Aldermen Shea, Ludwig, Ouellette, Arnold, Craig

6:30 PM Aldermanic Chambers City Hall (3rd Floor)

- 1. Chairman Shea calls the meeting to order.
- 2. The Clerk calls the roll.
- 3. Summaries of outstanding arbitrations and grievances submitted by Jane Gile, Human Resources Director.

 (Note: Provided for informational purposes only; no action required.)
- 4. Communication from the Human Resources Department recommending the deletion of Section F of Ordinance 33.081 regarding sick leave of the Code of Ordinances.

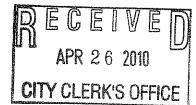
 Ladies and Gentlemen, what is your pleasure?

TABLED ITEM

A motion is in order to remove this item from the table.

- 5. Proposed policy for the City relative to the use of Volunteers and Unpaid Student Interns submitted by Jane Gile, Human Resources Director. (Tabled March 2, 2010; Human Resources Director to obtain feedback from departments.)
- 6. If there is no further business, a motion is in order to adjourn.





CITY OF MANCHESTER Human Resources Department

April 26, 2010

Alderman William Shea, Chair Human Resources and Insurance Committee City of Manchester One City Hall Plaza Manchester, NH 03101

RE: INFORMATIONAL ONLY
Summary of Outstanding Arbitrations and Grievances

Dear Alderman Shea:

Attached is a summary of union grievances filed and/or arbitrations scheduled/settled in 2010. The list is current through the above date.

Sincerely,

Jane E. Gile, SPHR

Human Resources Director

April 2010 Outstanding and Settled Grievances and Arbitrations As of April 26, 2010

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April 2010 Outstanding and Settled Grievances and Arbitrations As of April 26, 2010

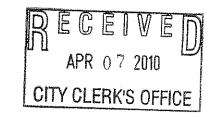
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		assistance request for EMT course	Cost of course	3/30/10	03/30/10	Union 3/18/10
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April 2010
Outstanding and Settled Grievances and Arbitrations
As of April 26, 2010

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PDSS	1/27/10	Demand to Negotiate – Biweekly Payroll	Pre-mature	
Welfare	1/27/10	Demand to Negotiate – Bi-weekly Payroll	Pre-mature	
Library	4/23/10	Request to negotiate bi-weekly pay	Pre-mature	





CITY OF MANCHESTER Human Resources Department

April 5, 2010

Alderman William Shea, Chair Human Resources and Insurance Committee One City Hall Plaza Manchester, NH 03104

Request to Revise Ordinance

Dear Chair Shea:

The City of Manchester Code of Ordinances currently contains language that pre-dates the collective bargaining agreement (CBA) approved between the City of Manchester and Manchester Professional Firefighters Association, Local 856, IAFF and needs to be updated.

CBA - Article 11 Workweek and Extra Duty Days changed the work schedule for Firefighters, Fire Lieutenants and Fire Captains to a 24 hour system (24 hours on 72 hours off). Each 24 hour work period is called a shift. Each shift is divided into one 10 hour day work period and one 14 hour night work period. Each work period is call a "unit" and it takes two (2) units to make up one 24 hours shift.

The labor contract specifically addresses the accrual of paid sick leave (1.25 days/month) in Article 15 <u>Sick Leave</u> and further addresses that sick leave is taken in units.

O-33.081 SICK LEAVE reads in part: "(F) Any Fire Department personnel on the platoon system schedule shall accumulate sick leave on the basis of one and one quarter days for each month of service, **provided that sick leave shall be charged at the rate of one day for each shift missed.** If only part of a shift is missed, the employee shall be charged in proportion to the time missed in amounts not smaller than one-half day of sick leave."

Recommendation: That Section F of O-33.081 is deleted in it's entirely, since the CBA covers sick leave accrual and charges. In addition, as Section F of O-33.081 pre-dates the fire department's 24 hour shifts, it is not designed for the department's current shift schedule.

Respectfully submitted,

Jane E. Gile

Human Resources Director

1 City Hall Plaza • Human Resources Department • Manchester, New Hampshire 03101 • (603) 624-6543 • FAX: (603) 628-6065

E-mail: <u>HumanResources@ManchesterNH.gov</u> • Website: www.manchesternh.gov

City of Manchester New Hampshire

In the year Two Thousand and

ten

AN ORDINANCE

"Amending Section 33.081 (Sick Leave) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend Section 33.081 (Sick Leave) of the Code of Ordinances by deleting language stricken (--) and inserting new language as bolded **(bold)**. Language of Section 33.011 not struck through or bolded remains unchanged.

§ 33.081 Sick Leave

- (A) All permanent employees in the city service, except temporary, seasonal, and part-time employees who work less than one-half of the regular work week, shall be entitled to sick leave with pay after satisfactory completion of the probationary period following initial employment. Sick leave credit shall accrue at the rate of one and one-quarter work days with pay for each completed month of service.
- (B) Any unused sick leave credit may be accumulated up to a maximum of 120 work days.
- (C) Any employee absent from work on legal holidays, during sick leave, vacation, for disability arising from injuries sustained in the course of his employment, for all authorized leaves of absence with pay and for authorized leaves without pay for not over ten days in any one calendar year shall continue to accumulate sick leave a the regularly prescribed rate during such absence as though they were on duty, subject to the maximum limitation herein provided.
- (D) Any employee eligible for sick leave with pay may use such sick leave, upon approval of his/her department or office head, for absence due to his or her illness, injury, the illness or injury of a spouse, child or other blood relative or ward residing in the same household when FMLA leave is approved, or for the exposure to contagious disease. An employee on sick leave shall inform his immediate supervisor of the fact and the reason therefore as soon as possible and failure to do so within a reasonable time may be cause for denial of pay for the period of absence. The department head shall require a doctor's certificate before approving sick leave with pay for a period or periods of more than three work days.
- (E) Absences for a fraction or part of a day that are chargeable to sick leave in accordance with these provisions shall be charged proportionally in an amount not smaller than one hour.

City of Manchester New Hampshire

In the year Two Thousand and

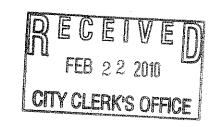
AN ORDINANCE

"Amending Section 33.081 (Sick Leave) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (F) Any Fire Department personnel on the platoon system schedule shall accumulate sick leave on the basis of one and one quarter days for each month of service, provided that sick leave shall be charged a the rate of one day for each shift missed. If only part of a shift is missed. If only part of a shift is missed, the employee shall be charged in proportion to the time missed in amounts not smaller than one half day of sick leave.
- (G) (F) During periods of absence for approved paid sick leave the employee shall be entitled to full pay for such period at the regular rate of compensation, provided however, that hourly employees shall be compensated on the basis of straight time pay not to exceed eight hours per day and not to exceed 40 hours per week. No sick leave benefits shall be paid on the basis of time and one-half.
- (H) (G) (1) On separation from city service, all sick leave credits shall be cancelled, except in case of retirement, duty disability retirement or death while in active service. All accrued sick leave shall be paid to the employee or his beneficiary under such conditions of separation from service as prescribed by the Board of Mayor and Aldermen.
 - (2) Any employee who becomes a member of the contributory retirement system pursuant to Laws 1973, 218:3 II shall, on separation from service be entitled to be paid the same accrued sick leave credits to which he would have been entitled had he remained under the prior pension plan.
 - (3) On separation from service other than by retirement, duty disability retirement, death, or circumstances provided above, any employee with 15 consecutive years of city service, provided separation is other than by discharge or resignation in lieu of discharge, shall be paid all accrued sick leave credits.
 - (4) Payment for accrued sick leave credits shall be paid as follows:
- (a) Upon death (while employed by the city) or paid retirement, all accrued sick leave up to a maximum of 80 days, plus ¼ of the balance of the days accrued over 80 but not more than 120 days, shall be payable to the employee or the designated beneficiary.
- (b) On separation from service under satisfactory conditions and 15 years of continuous service, employees may be paid up to 60 days of accrued sick leave.
- (I) (H) Individuals who are hired to work as Reserve Officers (compensated as Patrolmen) shall not be entitled to accrue any sick time whatsoever.
- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.





CITY OF MANCHESTER Human Resources Department

February 8, 2010

Alderman William Shea, Chair Human Resources and Insurance Committee City of Manchester, NH 03101

RE: Volunteers and Unpaid Student Interns

Dear Alderman Shea:

Attached is a copy of the proposed policy for the City of Manchester relative to the use of Volunteers and Unpaid Student Interns.

Background: Recently, a department head wanted to use a volunteer in their office to perform certain functions. The only policy that HR was able to retrieve was a policy that dated back to 1993. At that time, the City had a relationship with two area non-profits that secured volunteers in municipal services. Neither of the agencies exists today. The proposed policy covers private individuals volunteering for the City and City employees who volunteer. It also covers the use of unpaid student interns in city departments. It is the understanding of HR that departments are using volunteers and unpaid student interns; although there is no formal process to insure that their use is in compliance with state and federal law, notwithstanding that the appropriate background checks have been conducted relative to the placement of volunteers in city services. While volunteers provide invaluable service to the City of Manchester, it is important that the City manages its risks by conducting proper screening and placement of approved applicants.

Further, it is understood that volunteer service assignments in the City of Manchester must not replace work performed by a paid employee or bargaining unit member.

Recommendation: That the policy on Volunteers and Unpaid Student Interns be adopted.

Sincerely,

Jane E. Gile

Human Resources Director

1 City Hall Plaza • Human Resources Department • Manchester, New Hampshire 03101 • (603) 624-6543 • FAX: (603) 628-6065

E-mail: HumanResources@ManchesterNH.gov • Website: www.manchesternh.gov

VOLUNTEERS AND UNPAID STUDENT INTERNS

To insure our compliance with state and federal law, the City of Manchester has established the following procedure to follow when using the services of volunteers and unpaid student interns.

VOLUNTEERS

Volunteers may fall into one of two categories, defined as follows:

- 1) Private Individuals Not Employed by the City: The volunteer is an individual who is not employed by the City of Manchester or any other government agency. The volunteer donates hours of service for civic, charitable or humanitarian reasons. The services are performed without promise, expectation, or receipts of compensation for services rendered, and are free from coercion or pressure. The volunteer assists staff with a specific task, limited only by prudent judgment and by legal and ethical considerations.
 - a. A *Volunteer Request* must be completed by the department and forwarded to Human Resources (Appendix A).
 - b. The volunteer must complete a Volunteer Application (Appendix B).
 - c. The supervisor or department head must obtain three favorable references for each private volunteer.
 - d. A criminal background check is required for each volunteer who works with youth, elderly or disabled individuals.
 - e. A motor vehicle check is required for each volunteer whose duties involve driving a vehicle.
 - f. Once approved, the volunteer and Department Head sign the *Volunteer Waiver* (Appendix C). A copy is filed with HR <u>before</u> volunteer services begin.
- 2) <u>City of Manchester Employees</u>: City of Manchester employees who volunteer to perform services for the City of Manchester are considered volunteers if:
 - a. They receive no compensation or are paid only reasonable benefits, nominal fees, or for expenses to perform the volunteers services; and
 - b. They are performing services unlike those for which they normally would be employed.
 - c. They complete the *Volunteer Service Statement & Agreement* available from and to be returned to the HR Department (Appendix D).
 - d. A favorable recommendation must be obtained from the employee's department head and/or division head.
 - e. A criminal background check and/or motor vehicle check is required if indicated by the type of volunteer service rendered.

Employees who meet the above criteria are not eligible for overtime pay resulting from the volunteer work. Individuals who do not meet the above criteria are considered employees, not volunteers, and must be compensated as employees.

UNPAID STUDENT INTERN/TRAINEE

An unpaid student intern means a college or university student who chooses to intern at the City of Manchester. It may also mean a high school student whose program is registered with the NH Department of Labor in accordance with RSA 279:22-aa, High School and Post Secondary Students, Rule 805. An unpaid student intern/trainee performs services primarily for his or her own benefit, does not displace a regular employee, does not provide an "immediate advantage" to the City; and is not entitled to a job. Student trainees, such as interns, are considered volunteers and are not City of Manchester employees. Interns receiving compensation for work performed are considered temporary employees, thus departments must adhere to hiring procedures.

For an individual to be considered an unpaid intern, criteria a. through f. must be met. If <u>any</u> of these conditions are not met, the student is not considered an intern under federal law. Instead, an employer-employee relationship may exist, and the student should receive compensation.

- a. The training, even though it involves actual City operations, is similar to that given at a vocational school. This does not mean that formal classes must be offered; however, students should be given a formal orientation to familiarize them with the department/division and with the types of tasks/issues handled.
- b. Training is for the benefit of the <u>student</u>. Students must be given substantive learning activities rather than routine office tasks, such as copying or running errands. Students/interns must not be used as substitutes for paid workers.
- c. The student does not displace regular employee, but works under close supervision. At least one staff person is assigned to supervise the student in the performance of the assigned tasks.
- d. The department that provides the internship/training derives not immediate advantage for the unpaid intern/trainee's activities and, occasionally, its operations may actually be impeded. Department staff members should expect to spend time providing instruction, supervision and feedback to the student to maximize his/her learning experience.
- e. The student is not entitled to a job at the end of the training.
- f. Both the student and the department understand that the student is not entitled to wages for the time spent training.

In addition to the federal requirements listed above, the following also must be met:

- a. The student intern/trainee must meet with the supervising employee(s) and/or the department head to discuss expectations and reach agreement on schedule, scope of work, supervision, evaluation and any and all other requirements pertinent to the unpaid internship.
- b. The supervising employee and/or department head must understand what the specific requirements of the school's internship program are.
- c. The supervisor or department head must obtain one favorable reference for each unpaid student intern/trainee. A sample reference form is attached (Appendix E).

- d. The supervisor must train the unpaid student intern/trainee in specific tasks, as well as in City policies, rules, regulations and safety procedures.
- e. A criminal background check is required for each unpaid student intern/trainee who works with youth, elderly or disabled individuals.
- f. A motor vehicle check is required for each unpaid student intern/trainee who duties involve driving a vehicle.*
- g. Once the unpaid student internship is approved, the student and Department Head sign the *Student Intern/Trainee Volunteer Waiver* (Appendix C). The form is to be returned to Human Resources <u>before</u> the internship begins.

*Student interns/trainees may receive mileage reimbursement only for City of Manchester activities that require the use of their own vehicles. Interns under the age of 18 are not allowed to use personal vehicles for City business.

VOLUNTEER SERVICE ASSIGNMENTS MUST NOT REPLACE WORK PERFORMED BY A PAID EMPLOYEE OR BARGAINING UNIT MEMBER.



CITY OF MANCHESTER Human Resources Department

VOLUNTEER REQUEST

This request will be kept active until you notify us of any changes in its status. It will be shared with potential volunteers who contact us. The decision to accept or refuse a referring volunteer is solely the responsibility of the agency requesting volunteer assistance.

PLEASE USE A SEPARATE REQUEST FORM FOR EACH VOLUNTEER ASSIGNMENT Department Address_____Phone____ Name of volunteer's supervisor_____ Volunteer assignment title_____ Location of volunteer assignment: _____ Dept _____ Other Minimum age Number of volunteers needed Is there a minimum commitment you would like for this assignment? _____No ____Yes - ____1-3 months _____3-6 months _____6 months-1 year Start date_____Ending date____ Please describe, in detail, the volunteer service assignment. List specific tasks and duties. Specify type of office equipment to be used. (Attach additional sheet if necessary.)

1 City Hall Plaza • Human Resources Department • Manchester, New Hampshire 03101 • (603) 624-6543 • FAX: (603) 628-6065

CONTINUED ON OTHER SIDE

E-mail: HumanResources@ManchesterNH.gov • Website: www.manchesternh.gov

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CITY/STATE:

NAME: ADDRESS:



HUMAN RESOURCES DEPARTMENT ONE CITY HALL PLAZA MANCHESTER, NH 03101-4000 EG

Tel: (603) 624-6543 TTY/Voice

VOLUNTEER APPLICATION
CITY OF MANCHESTER NH
EQUAL OPPORTUNITY EMPLOYER

Fax: (603) 628-6065

www.ManchesterNH.gov

Applicant Please Complete ▶

All statements made by applicants for employment on this application form will be checked for accuracy. We offer equal employment to all persons without regard to race, color, religion, age, sex, national origin, disability, marital or veteran's status or any other legally protected status.

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WORK EXPERIENCE (start with most recent or attached, but not in lieu of completing this section.	current employer and work back at least If more space is needed, complete and	ten years). Resumes may be attach a separate page.
Current Employer		
Address	Date Hired	Date Left
Supervisor (Name/Position)	Number of People	e You Supervise
Job Title	Duties	
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Previous Employer	Tel. #	Part time Full Time
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Supervisor (Name/Position) Job Title	Number of People	e You Supervise
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Supervisor (Name/Position)	Number of People	You Supervise
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Please provide three references (one personal and tw they can be reached.	o professional). Please include name, ac	ddress and phone number where
APPLICATION AC	GREEMENT AND CERTIFICATI	(CAN)
certify that the information given by me in this application authorization for the City of Manchester to check reference.	on is accurate and true to the best of my know	
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CITY OF MANCHESTER Human Resources Department

STUDENT TRAINEE/INTERN AND/OR VOLUNTEER WAIVER

I certify that I am offering my services to the City of Manchester on a volunteer basis. I understand that I will receive no pay, benefits, or other privileges of employment of any kind for my services. I further understand that I am not eligible for unemployment compensation benefits when my volunteer assignment ends. I also certify that I have not been promised and have no expectation that I will receive a paid position as a result of my volunteer work.

I certify that I am a student at	
credit toward a recognized degree plan a	teer work be counted as academic course at this institution. However, I understand I manner and meet all requirements of the
Name	Department Assigned
Signature of Volunteer	Signature of Department Head
Date	Date

1 City Hall Plaza • Human Resources Department • Manchester, New Hampshire 03101 • (603) 624-6543 • FAX: (603) 628-6065

E-mail: HumanResources@ManchesterNH.gov • Website: www.manchesternh.gov

City of Manchester New Hampshire

Volunteer Service Statement & Agreement

	Date, 201
I make thi the follow	s Statement and Agreement in order to provide, and be authorized to perform, ing uncompensated services to my community:
	nature & scope of services under the direction of
Person	with official oversight authority between time period in which work to be performed
, 0, 30,	time period in which work to be performed
In perform	ing the specified volunteer service, I acknowledge:
• tha	t I am 18 years of age or older and know of no reason, medical or otherwise, ich would prevent me from performing the tasks required;
• tha	t I have acquainted myself with what is required to perform those tasks and t I represent that I have the skill and ability to perform them;
spe	t I will perform the volunteer service in compliance with the standards and cifications established, or approved, by the City of Manchester and will honor direction of the City of Manchester officials to suspend or terminate service.
fing	I will be subject to a criminal background investigation, including gerprinting as required by the State of New Hampshire, and a motor vehicle ord check, if applicable.
	Volunteer
	Address
	Telephone
	Signature

5-10

REFERENCE REQUEST

STUDENT TRAINEE/INTERN CANDIDATE:
FOR CONSIDERATION AS: Unpaid Student Trainee/Intern in Department
NAME/TITLE OF REFERENCE:
COMPANY/TELEPHONE:
1. What is/was your professional relationship with him/her?
2. You were associated with him/her during what time period?
3. What was his/her title?
4. Did he/she have any problems doing the job as you (or the supervisor) wanted it done?
5. What would you say are his/her strong points?
6. Any areas you felt needed improvement?
7. How did she/he stand among his/her peers in terms of his/her accomplishments?
8. Did he/she initiate anything that was new or important?
9. Was there anything that he/she failed to accomplish?

- 10. Did she/he get along with others?11. Can she/he explain his/her ideas to supervisors, peers, and subordinates?12. Can she/he listen?
- 13. How is he/she best managed?
- 14. How does she/he operate under pressure?
- 15. How hard did he/she work? How would you categorize his/her work habits?
- 16. What type of work do you feel she/he is best suited for?
- 17. (If applicable) Why did she/he leave your company?
- 18. Would you work with him/her again, given the opportunity? Why or why not?